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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,875	03/13/2001	Gregory William Dake	RPS920000011US1	1842

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EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/804,875

Applicant(s)

DAKE ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 5, 12 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-18, and 20-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-21 are presented for examination. Claims 5, 12, and 19 have been cancelled.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4, 6-11, 13-18, and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powderly et al. (6,560,641) (hereinafter Powderly) in view of Eckardt et al. (US 2003/0163765) (hereinafter Eckardt).

4. As per claim 1, Powderly discloses a method of remote control of a remotely managed data processing system including a service processor and a separate main processor, said method, comprising:

on a service processor separate from the main processor, initiating execution of (col 2, lines 36-40), a remote control application (server program, col 2, lines 57-64), wherein the remote control application (server program, col 2, lines 57-64); and

the remote control application establishing communication over a network connection with a remote console (col 2, lines 64-67);

thereafter, initiating execution of POST code by the main processor (col 4, lines 46-49); and

the remote control application enabling remote control of the remotely managed data processing system (server program, col 2, lines 57-64) upon initiation of execution of said POST code (col 4, lines 46-49), said enabling control including:

getting video data from the video hardware within the remotely managed system (col 7, lines 46-52);

transmitting the video data to the remote console over the network connection (col 7, lines 46-52 and lines 15-19);

receiving keyboard/mouse signals from the remote console over the network connection (col 7, lines 64-67); and

forcing the received keyboard/mouse signals into a keyboard/mouse controller (program code, col 7, lines 46-52) within the remotely managed system as if the received keyboard/mouse signals had originated with locally

attached peripherals (col 7, lines 64-67). Powderly does not explicitly disclose prior to initiation of execution of power-on self test (POST) code by a main processor of a remotely managing data processing system. However, Eckardt discloses prior to initiation of execution of power-on self test (POST) code (page 1, paragraph #0006) by a main processor of a remotely managing data processing system (page 2, paragraph 0021). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the teaching of Powderly with Eckardt because Eckardt's use of pre boot diagnosis prior to POST code execution would provide Powderly's a system which can remotely monitor, and detect failure of the client system.

5. As per claim 8, the claim is rejected for the same reasons as claim 1, above.

6. As per claim 15, the claim is rejected for the same reasons as claim 1, above.

7. As per claims 2, 9, and 16, Powderly discloses the remote control application communicating with the remote console utilizing a TCP/IP network connection (col 7, lines 15-19).

8. As per claims 3, 10, and 17, Powderly discloses, utilizing the remote control application serving to the remote console a Java applet (col 14, lines 55-61) for displaying the video data and capturing the keyboard/mouse signals (col 7, lines 46-67 and col 8, lines 1-10), wherein the remotely managed system may be remotely controlled utilizing a browser executing (col 14, lines 55-61) within the remote console (fig 6, col 14, lines 55-63).

9. As per claims 4, 11, and 18, Powderly discloses, executing the remote control application independently of the operating system loaded or executed on the main processor within the remotely managed system (col 2, lines 52-56).

10. As per claims 6, 13, and 20, Powderly discloses enabling remote control capability to the remote console from power on self test of the main processor continuously through operating system (col 7, lines 35) load for the main processor and beyond (co 4, lines 37-50)

11. As per claims 7, 14, and 21, Powderly discloses the remote control application providing a single user interface for remote control (col 14, lines 17-21) by the remote console from power on self test for the main processor

continuously through operating system (col 7, lines 35) load for the main processor and beyond (col 14, lines 49-51 and col 5, lines 15-43).

Response to Arguments

12. Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


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